CP Text: Public colleges and universities ought not restrict any constitutionally protected speech except restrict revenge porn. Revenge Porn is protected by the constitution. **Humbach 15**, John A. "The Constitution and Revenge Porn." Pace Law Review 35.1 (2015).

Unfortunately, these two key **prohibitions of revenge porn** laws seem to fly directly in the face of the free speech and press guarantees of the First Amendment.10 In short, the two prohibitions **constitute unconstitutional content** discrimination, **viewpoint** discrimination **and speaker discrimination**, not to mention prior restraint. A restriction on speech that is limited to particular content, e.g., sexual exposure, is content discrimination.11 A restriction designed to suppress a particular point of view, e.g., negative or unflattering personal information, is viewpoint discrimination.12 And a restriction that is applicable only to persons who have not received consent is speaker discrimination,13 as well as a prior restraint—among the most disfavored of restrictions on speech.14

While the Supreme Court has recognized a number of circumstances that justify government impingements on free expression, the Court has been extremely reluctant to permit speech restrictions that discriminate based on a message’s content, its viewpoint, or the speaker.15 It has nearly always refused to tolerate such discrimination unless the case falls within one of the several historically established exceptions to First Amendment protection.16 Because of the special place that the modern First Amendment cases accord to content discrimination (and the allied discriminations based on viewpoint and speaker), **any statutes designed specifically to outlaw revenge porn** as such17 **would** **seem to face some very tough sledding—if indeed they can be written in ways that are constitutionally permissible at all.**

At the end of this paper, I propose a possible approach to crafting a law that addresses the primary harms of revenge porn, but which seeks avoid the direct affront to the First Amendment of the revenge porn laws currently proposed and enacted. Whether this approach would actually work is a question that cannot be answered with certainty but, unless the Supreme Court changes the application of the First Amendment to accommodate revenge porn, I think its chances are at least better than the statutes, drafts and proposals to date.

It is one of the worst forms of IPV and should be banned on college campuses to stop these instances of violence. **Murray[[1]](#footnote-1)**:

If you’ve been following the news lately, you’ve likely heard about “revenge porn,” which [Wikipedia](http://en.wikipedia.org/wiki/Revenge_porn) defines as “sexually explicit pictures, video or other media that is publicly shared online without the consent of the pictured individual. Revenge porn is typically uploaded by ex-partners or hackers.” **Revenge porn is one of the many ways that technology can be used as a form of abuse** within the context of a current or former intimate relationship. As it’s often depicted in the media, disgruntled former relationship partners take intimate photos and videos and share them publicly and widely through various channels--including web-sites devoted specifically to revenge porn. Those intimate materials may have been obtained voluntarily, such as when someone sends a photo to their partner, or involuntarily, such as if one partner videotaped the couple during sexual activity without knowledge and/or consent. Professionals who work with people who’ve experienced intimate partner violence (IPV) know that IPV can occur between both current and former relationship partners. Revenge porn crosses the lines of both emotional abuse and sexual abuse. For example, consider the following definitions: Sexual abuse: “Behaviors that could be considered sexual abuse within the context of intimate relationships include forcing or coercing one’s partner to engage in pornography” (Murray & Graves, 2012, p. 14). Emotional abuse: Emotional abuse is “the use of verbal and other non-physical forms of aggression to intimidate, subjugate, and control another human being” (Jacobson & Gottman, 1998, p. 148). Therefore, **revenge porn could be considered both a form of sexual abuse--because it involves forced or coerced sexual exploitation--and a form of emotional abuse, in that it is used to humiliate and control one’s partner.** It is also a serious [infringement of one’s privacy](http://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=2424&context=fac_pubs) that can have many [significant negative social and emotional effects](http://www.huffingtonpost.com/2014/01/09/revenge-porn-stories-real-impact_n_4568623.html) for people who are targeted. One of the participants [in our research](http://www.seethetriumph.org/about-our-research.html) described the impact of revenge porn on her: “I am powerless to keep him from doing what he pleases with the videos he took of me having sex without my knowledge or consent.”

This quote captures the sense of powerlessness and loss of control that may accompany being targeted for revenge porn. Sharing--publicly and spitefully--the most intimate details of one’s sexuality, sexual relationship, and private moments with one’s partner has no place in a healthy relationship. Technology allows that sharing to go far beyond one’s immediate social network and spread literally across the world in a matter of moments. Not only is this a violation of a person’s privacy, it also can lead to safety risks, in that it can lead to stalking, unwanted sexual advances, and harassment by others, including strangers. Some people who are targeted even go so far as to [change their names](http://blogs.miaminewtimes.com/riptide/2013/05/miami_revenge_porn_victim_holl.php) to protect themselves. Unfortunately, laws haven’t yet caught up to technology yet in the case of revenge porn. As [Jill Filipovic said on The Guardian](http://www.theguardian.com/commentisfree/2013/jan/28/revenge-porn-degrades-women), “Right now, the law and our culture are both on the side of those who shame and humiliate women for sport, instead of those of us who just want to go about our normal lives.” Some actions are being taken to create laws to stop revenge porn, such as in [Pennsylvania](http://articles.mcall.com/2013-11-26/news/mc-pa-revenge-porn-20131126_1_photos-state-legislature-law) and [Illinois](http://www.huffingtonpost.com/2014/01/30/illinois-revenge-porn_n_4697718.html). [A bill may even see its way into the U.S. Congress](http://www.usnews.com/news/articles/2014/03/26/federal-revenge-porn-bill-will-seek-to-shrivel-booming-internet-fad). However, until the laws catch up, more actions will be needed at the individual, community, and national level to support people who are targeted, hold offenders accountable, and raise awareness of this important issue.

#### Revenge porn is the manifestation of violent feminist patriarchy. Turns and controls the internal link to all your discourse arguments.

Dermody 14 [Meagan Dermody, Managing Editor at CT, “Jennifer Lawrence, privacy and the patriarchy,” The independent student press at Virginia Commonwealth University, September 7, 2014, <http://www.commonwealthtimes.org/2014/09/07/jennifer-lawrence-privacy-and-the-patriarchy/>]

The leak falls somewhere between degradation and physical violence; though the violation those involved have experienced was not physical in nature, **losing control over sexual images can mean losing control of** a piece of **your personhood.** **Woman becomes passive body**, cut to discrete and consumable pieces without consent — **the photo** no longer **represents** a person sharing an intimate part of a complex and valuable self, but **an object to be fantasized** about, **criticized, and consumed.** It doesn’t stop there. Users of the website 4chan attempted to manipulate female users into sharing nude photographs of themselves — in solidarity, they claimed. By painting it as a movement for solidarity, they belied (however ineffectively) their true intentions. **The attempt to access** sexually **explicit images of** other **women is** in fact a manifestation of the will to objectify, an act of patriarchal punishment with a beguiling false attitude. It follows that the leak of these photographs and the demand for more represent a greater initiative to consume the female body as passive sex object — **a large-scale manifestation of patriarchal violence**, meant to reify women on a grand scale and degrade their consent by stripping them of their control over their image and intimate selves.

1. <http://www.seethetriumph.org/blog/revenge-porn-as-a-form-of-intimate-partner-violence> [↑](#footnote-ref-1)